

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT TROHA and FREDERICK BIGNALL,)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

Civil Action No. 05-191 E

THE UNITED STATES OF AMERICA,)

Defendant.)

SECOND SET OF STIPULATIONS REGARDING TITLE MATTERS

Plaintiffs and class representatives Robert Troha and Frederick Bignall, for themselves and for the members of the certified class, and Defendant, the United States of America, through counsel, submit the following stipulation regarding title matters. This stipulations amends and supplements the Stipulations Regarding Title Matters filed on December 8, 2006, as Exhibit 2 to the parties' Joint Appendix (Doc. 27), which contains stipulation numbers 1 through 7 regarding the ownership interest originally acquired by the railroad company.

8. Category 3 (Grant Deeds with Release Language) – The parties have stipulated that Category 3 includes the deeds for ICC Parcel Nos. 3-4 and 4-1, 4-2, 4-3 and 5-3. The parties stipulate that, under Pennsylvania law, these deeds conveyed a right-of-way for railroad purposes to the railroad company.

Dated: January 9, 2007

Respectfully submitted,

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment & Natural Resources Division

s/David A. Cohen

DAVID A. COHEN
PA Bar I.D. No. 54342

Counsel of Record for Plaintiffs

THE CULLEN LAW FIRM
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
TEL: (202) 944-8600
FAX: (202) 944-8611

s/Kristine S. Tardiff

KRISTINE S. TARDIFF
Bar Identification No. NH10058

Counsel of Record for Defendant

U.S. Department of Justice
Environment & Natural Resources Division
Natural Resources Section
53 Pleasant Street, 4th Floor
Concord, NH 03301
TEL: (603) 230-2583
FAX: (603) 225-1577